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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,309	12/03/2001	Takahiro Kawashima	PW 0277024 H7605US	7933

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EXAMINER

SAMS, MATTHEW C

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/005,309	<b>Applicant(s)</b> KAWASHIMA, TAKAHIRO	
	<b>Examiner</b> Matthew C. Sams	<b>Art Unit</b> 2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/12/2006 has been entered.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Okamoto (US-5,559,298).

Regarding claim 1, Okamoto teaches a tone generator system (Fig. 1 [17]) which generates at least one musical tone in response to a channel by using a program

number (Col. 4 lines 12-16 "tone generation parameter") based on tone color changing instruction data designating a tone color of the corresponding channel which is stored in predetermined timing before a sounding instruction data, the tone color changing instruction data including a channel number and a corresponding program number, and the sounding instruction data including the channel number, (Col. 4 lines 28-31 and Fig. 6) comprising:

- a first waveform storage that stores compressed waveform data, each of the stored compressed waveform data being readable based on the corresponding program number; (Fig. 1 [12])

- a second waveform storage; (Fig. 1 [13])

- a supplying section that supplied the tone color changing instruction data derived from musical composition data to be reproduced, and then supplies the sounding instruction data derived from the musical composition data to be reproduced; (Col. 5 lines 7-13 and Fig. 1 [20])

- a decoder that is responsive to the tone color changing instruction data supplied from said supplying section, for reading out from said first waveform storage the compressed waveform data based on the program number included in the supplied tone color changing instruction data, for decoding the readout compressed waveform data into waveform data in a pulse code modulation format (Col. 4 lines 41-45), and for storing the decoded waveform data in the pulse code modulation format into said second waveform storage, each of the stored decoded waveform data being readable based on the corresponding channel number; (Col. 5 lines 7-13 and Fig. 1 [21]) and

a tone generator section (Fig. 1 [17]) that is responsive to the sounding instruction data supplied from said supplying section, for reading out from said second waveform storage the waveform data in the pulse code modulation formation, based on the channel number included in the supplied sounding instruction data, and for generating musical tones based on the readout waveform data in the pulse code modulation format. (Col. 3 line 51 through Col. 5 line 16)

Regarding claim 3, Okamoto teaches a tone generator system according to claim 1, wherein said second waveform storage is capable of storing waveform data inputted by a user. (Col. 4 lines 17-22 and Fig. 1 [13, 14, 15, 16 & 21])

Regarding claim 4, Okamoto teaches the decoder is capable of decoding compressed audio stream data inputted from an external device. (Col. 4 lines 17-22, 41-45 and Fig. 1 [16])

Regarding claims 5, the limitations of claim 5 are rejected as being the same reason set forth above in claim 1.

Regarding claim 6, the limitations of claim 6 are rejected as being the same reason set forth above in claim 1.

Regarding claim 7, the limitations of claim 7 are rejected as being the same reason set forth above in claim 3.

Regarding claim 8, the limitations of claim 8 are rejected as being the same reason set forth above in claim 4.

Regarding claim 9, the limitations of claim 9 are rejected as being the same reason set forth above in claim 3.

Regarding claim 10, the limitations of claim 10 are rejected as being the same reason set forth above in claim 4.

Regarding claim 11, Okamoto teaches a tone generator system (Fig. 1 [17]) which generates at least one musical tone in response to a channel by using a program number (Col. 4 lines 12-16 "tone generation parameter") based on tone color changing instruction data designating a tone color of the corresponding channel which is stored in predetermined timing before a sounding instruction data, the tone color changing instruction data including a channel number and a corresponding program number, and the sounding instruction data including the channel number, (Col. 4 lines 28-31 and Fig. 6) comprising:

- a first waveform storage that stores compressed waveform data, each of the stored compressed waveform data being readable based on the corresponding program number; (Fig. 1 [12])

- a second waveform storage; (Fig. 1 [13])

- a supplying section that supplied the tone color changing instruction data derived from musical composition data to be reproduced, and then supplies the sounding instruction data derived from the musical composition data to be reproduced; (Col. 5 lines 7-13 and Fig. 1 [20])

- a decoder that is responsive to the tone color changing instruction data supplied from said supplying section, for reading out from said first waveform storage the compressed waveform data based on the program number included in the supplied tone color changing instruction data, for decoding the readout compressed waveform data

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into waveform data in a pulse code modulation format (Col. 4 lines 41-45) based on the tone color changing instruction data (Col. 4 lines 12-60), and for storing the decoded waveform data in the pulse code modulation format into said second waveform storage, each of the stored decoded waveform data being readable based on the corresponding channel number; (Col. 5 lines 7-13 and Fig. 1 [21]) and

a tone generator section (Fig. 1 [17]) that is responsive to the sounding instruction data supplied from said supplying section, for reading out from said second waveform storage the waveform data in the pulse code modulation formation, based on the channel number included in the supplied sounding instruction data, and for generating musical tones based on the readout waveform data in the pulse code modulation format. (Col. 3 line 51 through Col. 5 line 16)

Regarding claim 12, the limitations of claim 12 are rejected as being the same reason set forth above in claim 11.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew C. Sams whose telephone number is (571)272-8099. The examiner can normally be reached on M-F 7:30-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571)272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MCS

9/18/2006



LESTER G. KINCAID  
SUPERVISORY PRIMARY EXAMINER